

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SNM-05 DEAE-00 SSO-00 MED-02

CIAE-00 INR-07 NSAE-00 DODE-00 OPR-02 INRE-00

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FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC IMMEDIATE 6122

LIMITED OFFICIAL USE BOGOTA 1049

EO 11652: NA

TAGS: SNAR, CO

SUBJ: MEDICAL ATTENTION FOR INJURED HELICOPTER PILOT

REF: A) BOGOTA 921; B) COX, LEE, FINK TELCON 1/31/78

1. FOLLOWING IS TEXT OF LETTER DATED JANUARY (NO DATE) 1978
FROM MINISTER OF JUSTICE TO AMBASSADOR REQUESTING PAYMENT OF
MEDICAL COSTS FOR INJURED HELICOPTER PILOT:

MR. AMBASSADOR:

I RESPECTFULLY REQUEST THAT THE PERTINENT ACTIONS BY YOUR
GOVERNMENT BE TAKEN WITH THE OBJECTIVE THAT THE EXPENSES FOR
MEDICAL ATTENTION AND SURGERY FOR CAPT. GABRIEL MARTINEZ,
WOUNDED IN AN ANTI-NARCOTICS OPERATION THAT TOOK PLACE LAST
FRIDAY IN THE GUAJIRA, BE CHARGED AGAINST THE FUNDS ALLOTTED
BY THE AMERICAN GOVERNMENT IN ACCORDANCE WITH THE AGREEMENT IN
FORCE BETWEEN THE TWO GOVERNMENTS IN THE BATTLE AGAINST NARCOTICS.
ATTENTIVELY, /S/CESAR GOMEZ ESTRADA, MINISTER OF JUSTICE.

2. MISSION OFFICERS MET TODAY WITH ATTORNEY GENERAL SERRANO
AND DEPUTY ATTORNEY GENERAL FOR JUDICIAL POLICE GARCIA (LATTER
IS ALSO AVCO AND FAMILIAR WITH PROVISIONS OF HELICOL CONTRACT),
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FOR CLARIFICATION OF HELICOL RESPONSIBILITIES TOWARD PILOT
UNDER THE CONTRACT AND UNDER COLOMBIAN LAW. BOTH OFFICIALS
STRONGLY EXPRESSED THE CONVICTION THAT THIS CASE CLEARLY FALLS
UNDER THE PROVISIONS OF PART V, ARTICLE 1, B (R) OF THE HELICOL
CONTRACT. IN THEIR OPINION, IF THE INSURANCE POLICY DOES NOT
SATISFY THE REQUIREMENTS OF THAT SECTION OF THE CONTRACT,
HELICOL IS REMISS AND MUST BEAR THE RESPONSIBILITY. THE ATTORNEY

GENERAL STATED THAT HE WOULD HAVE THE CIVIL DIVISION OF HIS OFFICE THOROUGHLY INVESTIGATE THE LEGAL IMPLICATIONS UNDER THE CONTRACT AND PERTINENT COLOMBIAN LAW FOR ALL PARTIES CONCERNED AND INFORM THE EMBASSY AS SOON AS POSSIBLE.

3. ON THE QUESTION OF WHICH PARTY SHOULD NOTIFY THE JACKSON MEMORIAL HOSPITAL REGARDING RESPONSIBILITY FOR TREATMENT AND EXPENSES INCURRED, THE ATTORNEY GENERAL EXPRESSED THE PRELIMINARY OPINION THAT IT SHOULD BE THE INSURANCE COMPANY RATHER THAN HELICOL. THIS WILL BE CLARIFIED IN CONNECTION WITH STUDY MENTIONED IN THE PRECEDING PARAGRAPH.

4. BOTH COLOMBIAN OFFICIALS EMPHASIZED THE PROVISIONS IN THE HELICOL CONTRACT SPECIFICALLY EXCLUDING THE USG AND ITS AGENTS FROM ANY LIABILITY UNDER THE CONTRACT. FROM THE STANDPOINT OF COLOMBIAN LAW, THEY SAW NO LEGAL IMPLICATIONS IN CONNECTION WITH U.S. ASSISTANCE PROVIDED IN THIS CASE.
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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 20 Mar 2014
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